

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF NEW YORK

-----  
In re:

THE COOKIE FACTORY, LLC,  
  
Debtor.

**Case No. 24-11002**  
**Chapter 7**

-----  
**STIPULATED ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY**

WHEREAS debtor The Cookie Factory, LLC (the “Debtor”) filed its petition for relief under Chapter 7 of the United States Bankruptcy Code on September 10, 2024;

WHEREAS Marc Ehrlich, Esq. is the duly appointed and serving Chapter 7 Trustee (the “Trustee”);

WHEREAS Sunmark Federal Credit Union (“Sunmark”) is prosecuting a foreclosure action captioned *Sunmark Federal Credit Union v. Fratello’s Holdings, LLC, The Cookie Factory LLC et al.* (Index No. EF2023-275358) (the “Action”); and

WHEREAS the Debtor is named a party defendant in the Action as a result of its status as

a tenant in the premises being foreclosed therein and as a guarantor of the commercial loan obligations owed to Sunmark; and

WHEREAS the Debtor is no longer operating its business in the mortgaged premises subject to the Action; and

WHEREAS the premises being foreclosed are not property of this estate;

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. Sunmark is granted relief from the automatic stay to pursue its foreclosure action to judgment and sale.

2. Sunmark is further granted relief from the automatic stay to seek and obtain a deficiency judgment against non-debtors and against the Debtor for purposes of filing an unsecured claim in this case, if necessary, but shall not otherwise enforce any deficiency judgment against the Debtor so long as this case is still pending.

3. The stay imposed on the effectiveness of this Stipulated Order under Fed. R. Bankr. Pro. 6004(h) is hereby waived.

Dated: October 16, 2024

Respectfully submitted,

/s/Paul A. Levine

Paul A. Levine, Esq.  
LEMERY GREISLER LLC  
Attorneys for Sunmark Federal Credit Union  
Office and P.O. Address  
677 Broadway, 8<sup>th</sup> Floor  
Albany, New York 12207  
(518) 433-8800

/s/Christian H. Dribusch

Christian H. Dribusch, Esq.  
Debtor's Counsel  
187 Wolf Road, Suite 300-20  
Albany, New York 12205  
(518) 227-0026

/s/ Marc Ehrlich  
Chapter 7 Trustee  
64 2<sup>nd</sup> Street  
Troy, New York 12180  
(518) 272-3110

###